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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,145	11/24/2003	Hui Guo	U03-0114.62	1144
24239	7590	09/20/2005	EXAMINER	
MOORE & VAN ALLEN PLLC			SMITH, SHEILA B	
P.O. BOX 13706			ART UNIT	
Research Triangle Park, NC 27709			PAPER NUMBER	
			2681	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/707,145	GUO, HUI	
	Examiner	Art Unit	
	Sheila B. Smith	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1-21-05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-14, 27-42 rejected under 35 U.S.C. 102(e) as being anticipated by Simon

(Patent Publication Number 2002/0004386)

Regarding claims 1,2, Simon discloses essentially all the claimed invention as set fourth in the instant application, further Simon discloses apparatus comprising a storage device for storing performance data and method of updating this storage device . In addition Simon discloses a mobile phone (50) having a software application for wirelessly sending a data file resident in the mobile phone (figure 1; paragraphs 20 and 25) to a second mobile phone (1), said mobile phone comprising: a processor (42), a processor readable storage medium (45, paragraph 19), code recorded in the processor readable storage medium to establish a connection with the second mobile phone such that data can be exchanged between the mobile phone and the second mobile phone (paragraphs 22, 23), code recorded in the processor readable storage medium to retrieve the data file and code recorded in the processor readable storage medium to send the data file to the second mobile phone via the connection established between the mobile phone and the second mobile phone (paragraphs 10, 23, 24,. claim 6).

Regarding Claims 3-5, Simon discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses a Bluetooth.TM connection, a WiFi connection, a IrDA connection, as disclosed in paragraph 0025.

Regarding claim 6, Simon discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses the data file is a bookmark file (which reads on paragraph 0023).

Regarding claim 7, Simon discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses the data file is a mobile phone settings file (which reads on on paragraph 0023).

Regarding claims 8,9, Simon discloses essentially all the claimed invention as set fourth in the instant application, further Simon discloses mobile phone using subscriber identification card for updating information stored therein. In addition Simon discloses a mobile phone (1) having a software application for receiving a data file (fig. 1; paragraph 20) from a second mobile phone (50), said mobile phone comprising: a processor (42), a processor readable storage medium (45, paragraph 19), code recorded in the processor readable storage medium to establish a connection with the second mobile phone such that data can be exchanged between the mobile phone and the second mobile phone (paragraph 22, 23), code recorded in the processor readable storage medium to receive the data file sent from the second mobile phone via the connection established between the mobile phone and the second mobile phone (paragraphs 10, 23; claim 6), and code recorded in the processor readable storage medium to write the data file to storage in the mobile phone (paragraphs 10, 23, claim 6).

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Regarding Claims 10-12, Simon discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses discloses a Bluetooth.TM connection, a WiFi connection, a IrDA connection, as disclosed in paragraph 0025.

Regarding claim 13, Simon discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses the data file is a bookmark file (which reads on paragraph 0023).

Regarding claim 14, Simon discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses the data file is a mobile phone settings file (which reads on on paragraph 0023).

Regarding claims 27,28, Simon discloses essentially all the claimed invention as set forth in the instant application, further Simon discloses mobile phone using subscriber identification card for updating information stored therein. In addition Simon discloses a mobile phone (1) having a software application for receiving a data file (fig. 1; paragraph 20) from a second mobile phone (50), said mobile phone comprising: a processor (42), a processor readable storage medium (45, paragraph 19), code recorded in the processor readable storage medium to establish a connection with the remote processing device such that data can be exchanged between the mobile phone and the remote processing device (paragraph 22, 23), code recorded in the processor readable storage medium to retrieve data file, and code recorded in the processor readable storage medium to send the data file to the remote processing device via the connection established between the mobile phone and the remote processing device (paragraphs 10, 23, claim 6).

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Regarding Claims 29-32, Simon discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses discloses a Bluetooth.TM connection, a WiFi connection, a IrDA connection, as disclosed in paragraph 0025.

Regarding claim 33, Simon discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses the data file is a bookmark file (which reads on paragraph 0023).

Regarding claim 34, Simon discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses the data file is a mobile phone settings file (which reads on on paragraph 0023).

Regarding claims 35, 36, Simon discloses essentially all the claimed invention as set forth in the instant application, further Simon discloses mobile phone using subscriber identification card for updating information stored therein. In addition Simon discloses a mobile phone (1) having a software application for receiving a data file (fig. 1; paragraph 20) from a second mobile phone (50), said mobile phone comprising: a processor (42), a processor readable storage medium (45, paragraph 19), code recorded in the processor readable storage medium to establish a connection with the second mobile phone such that data can be exchanged between the mobile phone and the second mobile phone (paragraph 22, 23), code recorded in the processor readable storage medium to receive the data file sent from the second mobile phone via the connection established between the mobile phone and the second mobile phone (paragraphs 10, 23, claim 6), and code recorded in the processor readable storage medium to write the data file to storage in the mobile phone (paragraphs 10, 23, claim 6).

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Regarding Claims 37-40, Simon discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses a Bluetooth.TM connection, a WiFi connection, a IrDA connection, as disclosed in paragraph 0025.

Regarding claim 41, Simon discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses the data file is a bookmark file (which reads on paragraph 0023).

Regarding claim 42, Simon discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses the data file is a mobile phone settings file (which reads on paragraph 0023).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon in view of Hubbe et al. (Patent Number 6,278,885).

Regarding claims 15-18, Simon discloses essentially all the claimed invention as set forth in the instant application, further Simon discloses mobile phone using subscriber identification card for updating information stored therein. In addition Simon discloses a mobile phone having a software application (paragraph 0005) for copying a data file resident in the

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mobile phone (fig. 1; paragraph 0020) to a storage medium that is usable with the mobile phone, said mobile phone comprising: a processor (42); a processor readable storage medium (45, paragraph 0019); code recorded in the processor readable storage medium to retrieve the data file (paragraph 0022, 0023); and code recorded in the processor readable storage medium to write a copy of the data file (paragraphs 10, 23, claim 6) to the storage medium. However, Simon fails to disclose a removable storage medium that is usable with the mobile phone.

In the same field of endeavor Hubbe et al. discloses a mobile phone using subscriber identification card for updating information stored therein. Hubbe et al. discloses the use of a SIM card as disclosed in column 3 lines 1-10 which reads on a removable storage medium.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Simon by modifying the apparatus comprising a storage device for storing performance data and method of updating this storage device with a removable storage medium for the purpose of including a data processing means.

Regarding claim 19, Simon in view of Hubbe et al. discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses the data file is a bookmark file (which reads on paragraph 0023).

Regarding claim 20, Simon in view of Hubbe et al. discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses the data file is a mobile phone settings file (which reads on paragraph 0023).

Regarding claims 21-24, Simon discloses essentially all the claimed invention as set forth in the instant application, further Simon discloses mobile phone using subscriber identification card for updating information stored therein. In addition Simon discloses a mobile

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phone having a software application (paragraph 0005) for copying a data file resident in the mobile phone (fig. 1; paragraph 0020) to a storage medium that is usable with the mobile phone, said mobile phone comprising: a processor (42); a processor readable storage medium (45, paragraph 0019); code recorded in the processor readable storage medium to retrieve the data file (paragraph 0022, 0023); and code recorded in the processor readable storage medium to write a copy of the data file (paragraphs 10, 23, claim 6) to the storage medium. However, Simon fails to disclose a removable storage medium that is usable with the mobile phone.

In the same field of endeavor Hubbe et al. discloses a mobile phone using subscriber identification card for updating information stored therein. Hubbe et al. discloses the use of a SIM card as disclosed in column 3 lines 1-10 which reads on a removable storage medium.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Simon by modifying the apparatus comprising a storage device for storing performance data and method of updating this storage device with a removable storage medium for the purpose of including a data processing means.

Regarding claim 25, Simon in view of Hubbe et al. discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses the data file is a bookmark file (which reads on paragraph 0023).

Regarding claim 26, Simon in view of Hubbe et al. discloses everything claimed, as applied above (see claim 1) additionally, Simon discloses the data file is a mobile phone settings file (which reads on paragraph 0023).

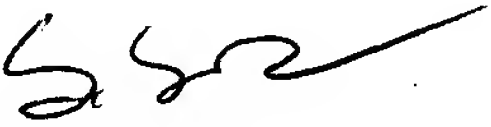
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith 
September 15, 2005


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER